2026:BHC-AS:16756

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO.40 OF 2026
IN
WRIT PETITION NO.16307 OF 2025

Matushree Gomatiben Ratanshi Khimji Chheda Suvaivala Educational and Charitable Trust	...	Petitioner
versus		
State of Maharashtra and Anr.	…	Respondents

Mr. Rohaan Cama with Mr. Aman Sadiawala, Mr. Ashish Jagiasi, Ms. Minal Chandnani i/by Jaiwant Chandnani and Associates, for Petitioner.
Dr. Dhruti Kapadia, AGP for Respondents.

CORAM: N.J.JAMADAR, J.

DATE : 6 APRIL 2026

ORAL ORDER :

1. Heard the learned Counsel for the parties.

2. This Petition is filed seeking review of the order passed by this Court on 27 January 2026, whereby Writ Petition No.16307 of 2025 came to be disposed with a direction to the Charity Commissioner to invite fresh bids from the prospective purchasers for the sale of the subject property indicating the base price of Rs.4,41,25,000/-, which was determined by the Charity Commissioner.

3. Mr. Cama submitted that, this Court intended to direct that, if the Charity Commissioner receives the bids to purchase the property for a consideration of Rs.4,41,25,000/- or more, the Charity Commissioner may confirm the same

in favour of the bidder, and, in the event, the Charity Commissioner does not receive the bid in excess of the amount of Rs.4,41,25,000/-, the Charity Commissioner may sale the property to Ms. Ramila Bauva, who has submitted a bid to purchase the property at Rs.2,77,20,000/-. However, an error has crept in, in the order as the operative directions in paragraph No.15 permit the Charity Commissioner to sell the subject property to a bidder who submits a bid less than Rs.4,41,25,000/-, but more than Rs.2,77,20,000/-, offered by Ms. Ramila Bauva.

4. It was submitted that a marginally enhanced bid, say even by Rs.5,000/-, may then warrant sale of the trust property to such bidder, rendering the entire exercise and expenses for fresh bidding process nugatory.

5. The observations in paragraph Nos.15 and 16 of the order dated 27 January 2026 read as under :

> "15. In the event, the Charity Commissioner receives the bids to purchase the property for a consideration of Rs.4,41,25,000/-, or more, or even less than Rs.4,41,25,000/-, but more than Rs.2,77,20,000/- offered by Ms. Ramila Bauva, the Charity Commissioner may confirm the same in favour of such bidder.
>
> 16. In case the Charity Commissioner does not receive the bid, in excess of the amount of Rs.2,77,20,000/-, the Charity Commissioner may pass an appropriate order to grant sanction to sell the property to Ms. Ramila Bauva, who

> has submitted bid to purchase the property at Rs.2,77,20,000/-."

6. The Court was constrained to remit the matter back to the Charity Commissioner as the Charity Commissioner had directed that the subject property be sold to the bidder at Rs.4,41,25,000/-, apparently without obtaining a fresh valuer's report. As Ms. Ramila Bauva, (who offered to purchase the trust property at Rs.2,77,20,000/-), the highest bidder, backed out, the sale could not be effected. The intent of the Court was to ascertain whether there is a buyer who intends to purchase the trust property at the price determined by the Charity Commissioner, i.e. Rs.4,41,25,000/- or even more. The exercise of inviting the offers was primarily to explore the availability of a willing buyer at the said price, Thus, the direction in paragraph No.15 of the order to the extent that the Charity Commissioner may sell the property to a bidder who bids for an amount even less than Rs.4,41,25,000/-, but more than Rs.2,77,20,000/- appears to be an error apparent on the face of the record. If viewed in the context of the tenor of the order dated 27 January 2026, the said direction appears to be incongruous with the discussion which preceded the said observation.

7. This Court is, therefore, inclined to review the order dated 27 January 2026 and delete the following sentence from Paragraph No.15 "or even less than Rs.4,41,25,000/- but more than Rs.2,77,20,000/- offered by Ms. Ramila

Bauva", and substitute the figure 'Rs.4,41,25,000/-' for the figure 'Rs.2,77,20,000/-' in the second line of paragraph No.16, .

8. Corrected paragraph Nos.15 and 16 of the order 27 January 2026 shall read as under :

> "15. In the event, the Charity Commissioner receives the bids to purchase the property for a consideration of Rs.4,41,25,000/-, or more, the Charity Commissioner may confirm the same in favour of such bidder.
>
> 16. In case the Charity Commissioner does not receive the bid, in excess of the amount of Rs.4,41,25,000/-, the Charity Commissioner may pass an appropriate order to grant sanction to sell the property to Ms. Ramila Bauva, who has submitted bid to purchase the property at Rs.2,77,20,000/-."

9. The Review Petition stands allowed in the aforesaid terms.

(N.J.JAMADAR, J.)